

## **Remarks**

### *The Present Invention and the Pending Claims*

The present invention relates generally to field of multi-modal telephony. In particular, the invention provides a technique for initiating an action, such as browser synchronization or state update at the time of a mode swap, without requiring the user to initiate the action explicitly.

Claims 1-21 are currently pending. Reconsideration and allowance of the pending claims is respectfully requested.

### *Summary of the Office Action*

Claims 2, 3 and 4 are rejected under 25 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 5, 6, 7, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ativanichayaphong et al. (Patent No. 7,032,169).

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Werner et al. (Pub No. 2003/0171925).

Claims 3, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Praitis et al. (Patent No. 6,594,697).

Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ativanichayaphong et al. (Patent No. 7,032,169), in view of Lucassen et al. (Patent No. 6,996,800).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Kishida et al. (Pub No. 2004/0208167).

*Amendments to the Claims*

Claims 1, 3, 4, 5, 7 are currently amended.

Claims 2, 8, 14-17 are cancelled.

Claims 6, 9 - 13 are retained in their original form.

New claims 18 - 21 are added.

Claims 1, 3, 5 and 7 have been amended. Support for the amendment is found in paragraphs [18], [31] and [40], and Fig. 5 in the specification.

Support for new claims 18 - 21 is found in paragraphs [42], [51] and [54] in the specification.

The office action states: **“Claims 2, 3 and 4 are rejected under 25 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”**

Claim 2 is canceled.

Claim 3 and 4 have been amended, and the term “or is associated with” is deleted in claims 3 and 4. Applicant respectfully submits that claims 3 and 4 are now not indefinite.

The office action states: **“Claims 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly**

**claim the subject matter which applicant regards as the invention. Claim 5 refers to "said card" in which it is unclear whether "said card" refers to a first visual card or a second visual card."**

In response, Claim 5 has been amended and the term "said card" has been deleted.

The office action states: **"Claims 1, 4, 5, 6, 7, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ativanichayaphong et al. (Patent No. 7,032,169)."**

MPEP section 2131 provides, in pertinent part: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference... The identical invention must be shown in as complete detail as is contained in the ...claim".

Applicant's method and system allows swapping between a voice mode of a voice browser and visual mode of a visual browser in a device operated by a user, where only one of the voice mode and visual modes is operable at any point in time on the device. Support for this is found in steps "user completes interaction; voice call terminates", step 510 and "termination of voice calls triggers backward entry into update card", step 512 of Figure 5 of the applicant's disclosure, where the termination of the voice call (i.e., one of the modes) is required to trigger the synchronization and swapping of modes. The applicant's invention addresses the challenges of devices that are unable to provide concurrent presentation of voice and visual data. The applicant's invention takes advantage of this inability of concurrent presentation by utilizing the action of termination of one of the modes to trigger events that synchronize, swap and update the state of the terminated mode on the other mode. In contrast, Ativanichayaphong et al.'s applies to a method and system that concurrently presents visual and voice modes in a device. Support for this concurrent presentation is found, for example, in column 2, lines 28 to 30 of Ativanichayaphong et al. that states: "The invention disclosed herein provides a method and apparatus for concurrently accessing network based electronic content in a

voice browser and a visual browser”. Also refer to column 10, lines 16 to 20 of Ativanichayaphong et al. that states: “The entry can entry a coattribute, for example a co-URL which corresponds to a voice mark up language document to be presented concurrently...”.

Claim 1 has been amended to recite the limitations:

- “switching between a voice mode of a voice browser and visual mode of a visual browser in a device operated by a user, wherein only one of said voice mode and visual mode is operable at any point in time on said device”, and
- “clicking a link on a first visual card in said visual browser by said user, wherein said clicking initiates a switch from the visual mode of the visual browser to the voice mode of the voice browser”;

Both the above limitations are not found, either expressly or inherently described in Ativanichayaphong et al.

Also, claim 1 has been amended to recite the limitation: “navigating forward to an update card, wherein said step of navigating forward to said update card constitutes a forward entry into the update card”. The limitation of the intermediate “update card” is not found, either expressly or inherently described in Ativanichayaphong et al.’s disclosure at col. 6, lines 55-67. In contrast, col. 6, line 55-58 of Ativanichayaphong et al. discloses: “when the user selects a link in the visual browser, the visual browser visits the URL of the visual page specified by the link”. There is no suggestion in the above statement of Ativanichayaphong et al of the existence of an intermediate stage of the applicant’s “update card”, or to the pointing to an “update card”.

Furthermore, claim 1 has been amended to recite the limitation: “placing a voice call to a phone number, and terminating the visual browser”. The limitation of “terminating the visual browser” is not found, either expressly or inherently described in Ativanichayaphong et al.’s disclosure.

For the reasons stated above, applicant respectfully submits that claim 1 is not anticipated over Ativanichayaphong et al., and applicant solicits reconsideration of the rejection and allowance of claim 1.

Claims 4, 5 and 6 are dependent on claim 1, as amended. Since claim 1 as amended is not anticipated by Ativanichayaphong, claims 4, 5 and 6 that are dependent on amended claim 1 are also not anticipated by Ativanichayaphong.

The arguments presented for claim 1 are applicable for the rejection of claim 7. Claim 7 has been amended to recite the limitation:

“wherein said browser is adapted to place a first voice call in response to instructions contained in a card, wherein said browser enters said card backward upon completion of said first voice call, and wherein said second event handler is actuatable by a backward entry into said card”.

In amended claim 7, the event handlers are characterized by their ability to initiate a mode swap after the termination of the visual browser, or the termination of a voice call. Ativanichayaphong et al. does not anticipate the applicant’s limitation of “wherein said browser enters said card backward upon completion of said first voice call”. The limitation of event handlers characterized by, and utilizing the condition of completion of said first voice call to initiate a mode swap is not found, either expressly or inherently described in Ativanichayaphong.

For the reasons stated above, applicant respectfully submits that claim 7 is not anticipated by Ativanichayaphong et al, and applicant solicits reconsideration of the rejection and allowance of claim 7.

In response to the rejection of claims 14, 15 and 17 under 35 U.S.C. 102(e) as being anticipated by Ativanichayaphong et al., claims 14, 15 and 17 are cancelled.

The office action states: **“Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Werner et al. (Pub No. 2003/0171925)”.**

In response to the rejection of claims 2 and 8, claims 2 and 8 are canceled.

The office action states: **“Claims 3, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Praitis et al. (Patent No. 6,594,697).”**

First, there is no suggestion or motivation in Ativanichayaphong, Praitis or in the knowledge generally available to one of ordinary skill in the art, that the “request time out” feature of Praitis can be combined with the method and system for concurrently accessing network-based electronic content in a voice and visual browser of Ativanichayaphong to arrive at the limitations of amended claim 3, including the “event handler” of amended claim 3.

Second, even if the teachings of Ativanichayaphong and Praitis are combined the combination that results will render the method of present invention inoperative for the purpose intended by amended claim 3, i.e., the method of swapping between a voice mode of a voice browser and visual mode of a visual browser in a device operated by a user, wherein only one of the voice mode and visual mode is operable at any point in time on said device. Praitis merely provides a “request for timeout” feature for a single mode of communication. Praitis does not teach a method that results in a mode swap after the expiration of a timer. The following steps which are required to make the combination operable are not anticipated by Ativanichayaphong and Praitis: expiration of a timer that initiates a backward or forward entry that initiates a mode swap, the step of pointing to an update card and the initiation of forward and backward entry to the update card, and the use of a device that can only have one mode operational at a time.

Third, even if the teachings of Ativanichayaphong and Praitis are combined they

do not teach or suggest the following limitations of claim 3:

- “swapping between a voice mode of a voice browser and visual mode of a visual browser in a device operated by a user, wherein only one of said voice mode and visual mode is operable at any point in time on said device;”
- “placing a voice call to a phone number and terminating the visual browser;”
- “actuating a backward event handler upon expiration of a timer;”
- “after said predetermined amount of time, determining that said timer has expired, contacting said update host and receiving information indicative of said interaction with said content of the voice browser;” and
- “updating the state of the visual browser to the state of the voice call, in accordance with said information received, terminating the voice browser and resuming interaction in visual mode with the user.”

For the reasons stated above, applicant respectfully submits that claim 3 is not obvious over the cited references, and applicant solicits reconsideration of the rejection and allowance of claim 3.

Claims 9, 10 and 11 are dependent on claim 3. Since claim 3 is not anticipated by Ativanichayaphong and Werner, applicant respectfully submits that claims 9, 10 and 11 that are dependent on claim 7 are also not anticipated by Ativanichayaphong and Werner.



The office action states: **Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Lucassen et al. (Patent No. 6,996,800).**

Claim 12 is dependent on claim 7. Since claim 7 is not anticipated by Ativanichayaphong and Lucassen, applicant respectfully submits that claim 12 that is dependent on claim 7 is also not anticipated by Ativanichayaphong and Lucassen.

Claim 16 is canceled.

The office action states: **"Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ativanichayaphong et al. (Patent No. 7,032,169) in view of Kishida et al. (Pub No.2004/0208167)."**

Claim 13 is now dependent on claim 7. Since claim 7 is not anticipated by Ativanichayaphong and Kishida, applicant respectfully submits that claim 13 that is dependent on claim 7 is also not anticipated by Ativanichayaphong and Kishida.

*Conclusion*

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of Examiner Vuu, a telephone conference would expedite the prosecution of this application, Examiner Vuu is requested to call the undersigned.

Respectfully submitted,

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Date

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